

APPROVED: Meeting No. 16-95

ATTEST: *[Signature]*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 37-94

December 19, 1994

The Mayor and Council of Rockville, Maryland, convened in Special Session and Worksession in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on December 19, 1994, at 7:35 p.m. :

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Rose G. Krasnow

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow. Other staff in attendance were Community Development Director Neal Herst, Chief of Planning Lisa Rother, and Planner III Cas Chasten.

Re: Special Session To Appoint
a Temporary Member to the
Board of Appeals.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, David Melnick was appointed to serve as a temporary member on the Board of Appeals in order to hear APP94-0573. The Special Session adjourned at 7:38 p.m.

Re: Joint Worksession with the
Planning Commission and
the Board of Appeals.

The Mayor and Council conducted a joint Worksession with Planning Commission members, David Melnick, Jane Fry-Emond, Glennon Harrison, Charles Haughey, Susan Hoffman, Dennis Kelly, and Jerome Loux; and Board of Appeals members, Karen Lechter, Paul Haines, James Moone, and Alan Sternstein. The following topics were discussed:

Re: Regulating shelters and other eleemosynary institutions and the need for specific zoning regulations for group homes and other special housing.

This issue was one which was discussed by previous Mayor and Councils; however, a conclusion was never reached. There has been much in the news about the topic--a recent Supreme Court decision was handed down; a case against the Washington Builders Association regarding the definition of group homes with unrelated persons residing in group homes. Some ordinances have been challenged as a violation of the Fair Housing Act. The Supreme Court is expected to hear arguments by Summer of 1995, and a decision could have an impact on what local governments do in regulating these types of institutions.

The Mayor and Council discussed Board of Appeals member, Paul Haines's memo to the Council regarding whether the City should further regulate the density, operation, or certification of eleemosynary institutions that are located in residential areas. The expansion of the Helping Hands shelter in the Lincoln Park community (Special Exception Application SPX94-0222 and Appeals Application APP94-0571) is a case wherein

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the surrounding property owners were concerned about maintaining the character of their neighborhoods and were pitted against the desire of those who want to expand the institution to provide additional shelter for the homeless. Councilmember Dorsey added that the residents of Lincoln Park also felt victimized by the process and did not feel they were included as part of the process.

Mayor Coyle noted that residential uses will probably increase and the issue is how would the City move towards guidelines that will, within the law, protect the City, and not change the character of the neighborhoods.

The Mayor and Council, and Board of Appeals and Planning Commission members raised the following points:

- should these uses be treated on an individualized (case-by-case) basis?
- should development standards be developed with these uses?
- is some type of density regulation needed?
- should shelters and group homes be considered the same? (Shelters often house more transient types of populations than group homes).
- can a neighborhood planning process be invoked so that when the issue gets to the Board of Appeals it would have been already vented to the parties?
- Should special development requirements for these uses be eliminated so that variances don't have to be granted? A good monitoring process would be needed to ensure that conditions are being met.

- Suggestion was made to conduct a general City-wide survey of existing uses. Also, develop a map showing locations wherever the Board of Appeals took up special exceptions.

Mayor Coyle asked that staff put the main points into some notes for the Mayor and Council to review and come up with some direction, and to find out if other municipalities have written density regulations.

Re: Use of King Farm

Mr. Romer reported that the City has retained close contact and an ongoing dialogue with the King family and their attorney. The annexation is still an active petition and the family is still desirous of annexation, however the process is extremely complicated. Mr. Glasgow added that a hearing was scheduled on December 21st in Federal Bankruptcy Court. The bank that holds the loan wants to proceed with foreclosure and wants the stay lifted to proceed with foreclosure and take over the property. Annexation can still proceed, however, with the bank involved it becomes more complicated.

Mayor Coyle asked that the Planning Commission give some thought to what the environmental issues (i.e., watershed issues) are for both the Irvington and Thomas Farms.

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Re: Townhouse Development
Concerns - Overlay Issue

Staff prepared a background paper on the history of the Residential Townhouse (RTH) development purpose and procedures.

Mr. Harrison noted that the City now has small lots which are not always isolated and which were closer to existing houses. He said the process would have to take this into consideration so as not to disturb houses that abut the lots.

Mr. Loux pointed out that the RTH law was drafted 13 years ago; he said he would like the Planning Commission to look at other options, i.e., duplexes, tri-plexes, zero lot lines.

Mr. Kelly remarked that the issue was that people did not know the areas where townhouse overlay districts are. General agreement was reached that this information has to be attached to the Master Plan and realtors need to acknowledge that they have reviewed the RTH overlays with potential buyers. Suggestion was made that there may be some way to do a preliminary review step involving the Planning Commission and the Mayor and Council initially before developers become heavily committed.

Ms. Emond-Fry noted that variance and special exception signs only note the Board of Appeals hearing date; staff was asked to look into whether the signs could post the Planning Commission hearing date as well.

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Mr. Haines said that one problem prevalent with commercial developers was that there was some confusion about the level and precision of the work developers have to do initially when they file a RTH application. He recommended that the process for applicants be streamlined and it be made clear that developers should follow the advice of staff.

Re: Other Matter - Board of
Appeals Composition

Mr. Marrinan noted the number of occasions when the Mayor and Council have had to make a temporary appointment to the Board of Appeals due to a conflict of interest of sitting members. He asked whether the Board needed another alternate member. Mr. Sternstein responded that this did not seem to be a frequent problem; he noted that he and Ms. Lechter reside in the same neighborhood and both often had to step down when matters pertaining to their neighborhood have come before the Board.

Re: Adjournment

There being no further business to come before the Mayor and Council, the Worksession was adjourned at 9:29 p.m. to reconvene in Worksession on January 3, 1995, or at the call of the Mayor.